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Glover

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**CS FOR HOUSE BILL NO. 102(EDC)****IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-NINTH LEGISLATURE - FIRST SESSION****BY THE HOUSE EDUCATION COMMITTEE****Offered:****Referred:****Sponsor(s): HOUSE EDUCATION COMMITTEE****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the duties of the Department of Education and Early Development;  
2 relating to approval of educational programs at residential psychiatric treatment  
3 centers; and providing for funding of educational services for students in residential  
4 psychiatric treatment centers."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 \* Section 1. AS 14.07.020(a) is amended to read:

7 (a) The department shall

8 (1) exercise general supervision over the public schools of the state  
9 except the University of Alaska;

10 (2) study the conditions and needs of the public schools of the state,  
11 adopt or recommend plans, administer and evaluate grants to improve school  
12 performance awarded under AS 14.03.125, and adopt regulations for the improvement  
13 of the public schools;

14 (3) provide advisory and consultative services to all public school

governing bodies and personnel;

(4) prescribe by regulation a minimum course of study for the public schools; the regulations must provide that, if a course in American Sign Language is given, the course shall be given credit as a course in a foreign language;

(5) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are held in detention facilities in the state during the period of detention;

(6) accredit those public schools that meet accreditation standards prescribed by regulation by the department; these regulations shall be adopted by the department and presented to the legislature during the first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house;

(7) prescribe by regulation, after consultation with the state fire marshal and the state sanitarian, standards that will ensure [ASSURE] healthful and safe conditions in the public and private schools of the state, including a requirement of physical examinations and immunizations in pre-elementary schools; the standards for private schools may not be more stringent than those for public schools;

(8) exercise general supervision over pre-elementary schools that receive direct state or federal funding;

(9) exercise general supervision over elementary and secondary correspondence study programs offered by municipal school districts or regional educational attendance areas; the department may also offer and make available to any Alaskan through a centralized office a correspondence study program;

(10) accredit private schools that request accreditation and that meet accreditation standards prescribed by regulation by the department; nothing in this paragraph authorizes the department to require religious or other private schools to be licensed;

(11) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the

department, determine and approve the extent of eligibility for state aid of a school construction or major maintenance project; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, projected energy consumption and costs, and final contract documents;

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11;

(14) establish, in coordination with the Department of Public Safety, a school bus driver training course;

(15) require the reporting of information relating to school disciplinary and safety programs under AS 14.33.120 and of incidents of disruptive or violent behavior;

(16) establish by regulation criteria, based on low student performance, under which the department may intervene in a school district to improve instructional practices, as described in AS 14.07.030(14) or (15); the regulations must include

(A) a notice provision that alerts the district to the deficiencies and the instructional practice changes proposed by the department;

(B) an end date for departmental intervention, as described in AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three consecutive years of improvement consisting of not less than two percent increases in student proficiency on standards-based assessments in language arts and mathematics, as provided in AS 14.03.123(f)(2)(A); and

(C) a process for districts to petition the department for continuing or discontinuing the department's intervention;

(17) notify the legislative committees having jurisdiction over education before intervening in a school district under AS 14.07.030(14) or redirecting public school funding under AS 14.07.030(15);

(18) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are admitted to residential psychiatric treatment centers in the state;

1                    (19) approve educational programs provided at residential  
2                    psychiatric treatment centers [REPEALED].

3       \* Sec. 2. AS 14.16 is amended by adding new sections to read:

4                    **Article 3. Educational Programs Operated by Residential Psychiatric Treatment**  
5                    **Centers.**

6                    **Sec. 14.16.300. Approval process for educational programs at residential**  
7                    **psychiatric treatment centers.** (a) The department shall adopt regulations  
8                    establishing an application process for educational programs at residential psychiatric  
9                    treatment centers. The application procedures must include requirements for an  
10                  academic policy committee at a residential psychiatric treatment center and must  
11                  require the residential psychiatric treatment center to provide, at a minimum, the  
12                  following information:

13                                (1) a list of the members of an academic policy committee and their  
14                                qualifications;

15                                (2) the bylaws of the educational program and a written administrative  
16                                policy manual;

17                                (3) the center's admission policies and procedures;

18                                (4) the teacher-to-student ratio, including projected enrollment;

19                                (5) a description of the educational program and how the program  
20                                aligns with state content and performance standards;

21                                (6) a description of student assessments provided in the educational  
22                                program and an agreement that the center will administer student assessments required  
23                                by the state;

24                                (7) written objectives for student achievement;

25                                (8) the center's plans for providing special education, vocational  
26                                education, gifted education, and bilingual education for students, as applicable;

27                                (9) an educational program schedule and calendar;

28                                (10) a description of staff development activities;

29                                (11) documentation that a teacher who possesses a valid teacher  
30                                certificate and meets additional training requirements under AS 14.30.250 will provide  
31                                the educational services;

1 (12) documentation that a person who possesses a valid administrative  
2 certificate and meets other training requirements under AS 14.30.255 will administer  
3 the special education services;

4 (13) assurances that the center has adopted a certificated employee  
5 evaluation system based on professional performance standards for evaluation and  
6 improvement of the performance of the center's teachers and educational services  
7 administrators;

8 (14) assurances that the center will follow procedures established by  
9 the department to comply with federal law, including 20 U.S.C. 1400 - 1482  
10 (Individuals with Disabilities Education Act);

11 (15) a summary of the center's budget and financial plan;

12 (16) the method by which the center will account for receipts and  
13 expenditures;

14 (17) assurances that the center will comply with all state and federal  
15 requirements for receipt and use of public funds;

16 (18) proof that the center is approved by the Department of Health and  
17 Social Services;

18 (19) a written plan to collaborate with a school district where a student  
19 is enrolled to coordinate an individual course of study to allow a student to transition  
20 successfully back to the school district where the student is enrolled;

21 (20) a commitment that, as a condition of funding, the center shall only  
22 expend funds received under AS 14.16.310 for educational services provided at the  
23 center;

24 (21) an agreement that, as a condition of funding, the center shall allow  
25 audit and inspection of records by state and federal agencies and shall return  
26 overpayments;

27 (22) other documents or information required by the department.

28 (b) A decision of the department to deny the application is appealable to the  
29 state Board of Education and Early Development. The state Board of Education and  
30 Early Development shall exercise independent judgment in evaluating the application,  
31 but may not approve an application that contains insufficient information to determine

1 compliance with applicable law.

2 (c) A decision of the state Board of Education and Early Development to grant  
3 or deny approval of an educational program at a residential psychiatric treatment  
4 center constitutes final agency action that may be appealed to the superior court within  
5 30 days after it is issued.

6 (d) An educational program at an approved residential psychiatric treatment  
7 center is exempt from collective bargaining agreements applicable to teachers in  
8 school districts.

9 **Sec. 14.16.310. Education funding for students in residential psychiatric**  
10 **treatment centers.** (a) A school district shall provide funding under this section to a  
11 residential psychiatric treatment center licensed under AS 47.32 for educational  
12 services provided to a student admitted to the center if

13 (1) the student is enrolled in the school district;

14 (2) the student is admitted to the center

15 (A) under a court order;

16 (B) by the Department of Health and Social Services under  
17 AS 47.10.087 or AS 47.12.255; or

18 (C) by private placement under the written orders of a licensed  
19 physician or mental health professional finding that the placement is medically  
20 necessary;

21 (3) the educational program at the center is approved by the  
22 department under AS 14.16.300; and

23 (4) within five business days after admitting the student, the center  
24 notifies the school district where the student is enrolled, in writing, that the center will  
25 provide educational services to the student while the student resides at the center.

26 (b) For each student receiving educational services at a residential psychiatric  
27 treatment center, the school district where the student is enrolled shall pay the center  
28 an amount equal to the amount generated by the student less administrative costs  
29 retained by the school district where the student is enrolled, determined by applying  
30 the indirect cost rate approved by the department. The amount generated by the  
31 student is to be determined in the same manner as it would be for a student attending a

1 public school in the school district where the student is enrolled, except that the  
2 adjusted ADM shall be calculated using the district cost factor under AS 14.17.460  
3 that is applicable to either the district where the student is enrolled or the district  
4 where the center is located, whichever is less. The amount generated by the student  
5 includes federal impact aid, the required local contribution under AS 14.17.410(b)(2),  
6 the local contribution under AS 14.17.410(c), special needs funding under  
7 AS 14.17.420(a)(1), intensive services funding under AS 14.17.420(a)(2), secondary  
8 school vocational and technical instruction funding under AS 14.17.420(a)(3), and  
9 other appropriations for the purpose.

10 (c) The school district where the student is enrolled shall prorate the total  
11 amount calculated under (b) of this section for a student by the number of days the  
12 student is admitted to the residential psychiatric treatment center and receives  
13 educational services provided by the center.

14 (d) If the amount appropriated to the school district where the student is  
15 enrolled is reduced under AS 14.17.400(b), the school district shall reduce the funding  
16 provided to the residential psychiatric treatment facility as necessary.

17 (e) In this section, "residential psychiatric treatment center" or "center" means  
18 a secure or semi-secure facility, or an inpatient program in another facility, that  
19 provides, under the direction of a physician, psychiatric diagnostic, evaluation, and  
20 treatment services on a 24-hour-a-day basis to an individual with severe emotional or  
21 behavioral disorders.